IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2819 OF 2006
IN
FIRST APPEAL (ST) NO.7159 OF 2006

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OFFICE NOTES, OFFICE MEMORANDUM OF CORAM, APPEARANCES, COURT'S ORDERS OR DIRECTIONS AND REGISTRAR'S ORDERS	COURT'S OR JUDGES ORDERS

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Shri H.G.Misar for the Applicant.
Shri Sudhakar G.Thorat for the Respondent Nos.1 to 3.

CORAM : A. S. OKA, J.

DATE : JANUARY 19, 2007.

P.C.:

1. Rule. Advocate for the Respondent Nos.1 to 3 waives service. The contention of the Applicant-Appellant is that the owner of the offending vehicle allowed the vehicle to be driven by a person who was not possessing a valid driving licence. The contention is that there is a breach of terms and conditions of the policy. However, the learned Member of the Tribunal has not exonerated the Applicant. Considering the contentions raised in the Appeal, even if the Applicant succeeds in

the Appeal, the Award against the insured will remain. In such event, the Applicant can always recover amount of compensation from the insured. Hence, stay cannot be granted. Application is rejected. It is made clear that withdrawal of the compensation amount by the claimants will be subject to final outcome of the Appeal. The Applicant is granted time of eight weeks from today to deposit the amount. No coercive steps shall be taken against the Applicant for the period of eight weeks.

JUDGE